



Morgan's Point



City of Shoreacres

**BYLAWS
OF
THE
LA PORTE, MORGAN'S POINT AND SHOREACRES
LOCAL EMERGENCY PLANNING COMMITTEE**

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ARTICLE I

NAME AND PURPOSE

Section 1: Name. The name of this organization shall be The La Porte, Morgan's Point, and Shoreacres Local Emergency Planning Committee, which are communities located in Harris County, hereinafter referred to as the "**LEPC**".

Section 2: Purpose. The purpose of the LEPC shall be: To carry out for La Porte, Morgan's Point and Shoreacres, located in Harris County, those responsibilities established for the LEPC by Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, the Emergency Planning and Community Right-to-Know Act, (EPCRA) and related regulations, including, but not limited to:

- A) Assistance in developing, training and testing of hazardous substances emergency response plan(s) within our tri-city area. The City of La Porte local emergency management plan will be reviewed once a year or more frequently as circumstances change in the community or as any facility may require.
- B) Development of procedures for regulated facilities to provide notification to the LEPC in accordance with EPCRA.
- C) Development of procedures for receiving and processing requests from the public under the Community Right-To-Know provisions of EPCRA or other applicable requirements that maintain or enhance the security of all persons in the LEPC territory.
- D) Provisions for public education and notification of committee activities.
- E) Implementation of further related activities as may hereafter be legally required by the federal government, the State Emergency Response Commission (SERC), or the County Judge.
- F) Formation of a partnership between local government and industry as a resource for enhancing hazardous materials preparedness. This includes ensuring the local hazard analysis adequately addresses hazmat incidents; incorporating planning for hazmat incidents into the local emergency management plan and annexes; assessing capabilities and developing hazmat response capability using local resources, mutual aid and contractors; training responders; and exercising the plan.

ARTICLE II

MEMBERSHIP

Section 1: Application for Membership, Any Changes, and Qualification. Applications for membership may be obtained from the Secretary, Vice-Chairperson of the LEPC, or at the LEPC website (<http://laportetx.gov/lepc/>). Applications for membership shall be submitted in writing to the LEPC Secretary and include the name of the company or individual seeking membership. Applications for membership shall be recommended to the county judge by a majority vote of voting members present

Qualification. The organization shall consist of those members nominated by the County Judge and approved by the State Emergency Response Committee (SERC) for membership in this body. Those persons named shall represent the various professional and community groups as designated by EPCRA. Members of the LEPC shall be a resident of or conduct business within the Local Emergency Planning Committee boundaries.

Section 2: Classes of Membership. The membership of the LEPC shall consist of community and industrial members, as designed by SARA Title III. A single member may represent more than one of the following groups or organizations.

- A) Appointed Members: Such members shall consist of duly elected or appointed officials of local, state, and federal governments with jurisdiction over any part of the area served by the LEPC; local police, fire fighting, rescue and emergency services; communications media; health professionals; transportation personnel; environmental groups; citizens groups; citizens; and industry. Each "Appointed Member" shall appoint one primary and one alternate representative.
- B) Facility Representatives: Industrial members shall be those persons named by owners or operators of companies within the LEPC boundaries as their facility representatives under provisions of Section 301 of SARA Title III. There shall be two classifications of Facility Representatives as follows:
 - 1. Full Member – A representative of a regulated facility (subject to the provisions of The Act) that participates in the funding of the LEPC by paying the full amount of its share of the annual operating budget as determined by the funding allocation formula adopted by the LEPC. Each "Full Member" shall appoint one primary and one alternate representative.

- (a) Service Business (e.g., warehouse facilities, hazmat-related clean-up companies, etc.)
- (b) Manufacturer of Articles
- (c) Chemical Manufacturer
- (d) Transportation-Related – truck, rail, and pipeline companies
- (e) Responsible agencies and jurisdictions

2. Associate Member

- (a) Facility – Industry located outside the LEPC boundaries who will pay one-half full member rates
- (b) Non-profit organizations (i.e., hospitals, charitable organizations, etc.)
- (c) Each "Associate Member" shall appoint one primary and one alternate representative. Associate members are exempt from attendance requirements.

Section 3: Officers. Officers shall be elected to conduct meetings, appoint subcommittees, and keep minutes and to otherwise accomplish the work of the LEPC.

Section 4: Vacancies. Any vacancy occurring in the LEPC by reason of the resignation, death or disqualification of a member (Article II. Section 11.) may be filled by appointment in accordance with Article III - Section 2 - Subpart D.

Section 5: Duties. Members are expected to actively participate in the LEPC process. These duties are:

- A) Regular meeting attendance (Article II. Section 6), and
- B) Participation in a minimum of one Standing Committee (Article IV. Section 2), and/or
- C) Any special assignments deemed necessary by the Executive Committee (Article IV. Section 1)

Section 6: Meetings. There shall be a minimum of ten LEPC regular meetings a year. The Chairperson may call special meetings of the LEPC at such time and place as the Chairperson may determine. The Chairperson must call a special meeting of the LEPC upon the written request of five members. Notice may be given at any time and in any manner reasonably designed to inform the members of the time and place of the meeting. All planned meetings of the LEPC, including that of the standing or ad hoc committees, will be open to the public.

- A) Meeting Agenda - The Executive Committee shall develop and publish and distribute an agenda in advance of each General and Special Meeting. Prior to the onset of the General or Special Meeting, citizens and non-members wishing to address the LEPC shall so inform the Executive Committee. The Chairperson shall allocate a timeslot for this

activity.

Section 7: Voting Members. A voting member is the designated representative of member who has provided "fair share" financial support (see Exhibit 1) to the LEPC in the current *calendar year and met those membership duties listed in Article II Section 5.

Section 8: Non-Voting Members.

- A) A person or organization who has, not provided their "fair share" financial support to the LEPC in the current* calendar year *(Calendar year January - December), yet meets those duties in Article II Section 5.
- B) Appointed members who do not provide "fair share" financial support.

Sections 9: Voting Criteria. Each voting member will have one (1) representative for those motions before the LEPC which involve election of officers, the disbursement of unbudgeted funds, or amendments to the by-laws. A simple majority of those Members present shall be used to decide all matters brought before the Executive Committee, Standing Committees, and any ad hoc committees. If Ballots are requested by a voting member, or at the discretion of the Chairperson, they shall consist of the member's name, the casting of a yes or no vote and the date.

Section 10: Quorum. The presence of thirty-three (33%) percent of the voting members of the LEPC at the opening of the meeting shall constitute a quorum for the transaction of business by the LEPC. For the purposes of Standing Committee meetings, the presence of two (2) members shall constitute a quorum for the transaction of business.

Section 11: Disqualification. A representative of a voting member who is unable to attend a regular meeting of the LEPC should send an alternate. Any member with five (5) or more absences of a regular meeting or five absences of (5)-subcommittee meetings/activities within a calendar year will be disqualified at the request of the LEPC to the County Judge and the SERC.

The following describes the steps that shall take place to affect such disqualification:

- A) Member attendance records shall be maintained for regularly scheduled meetings and committee meetings on a calendar year basis. Attendance records will be turned into the Secretary at the monthly meeting.
- B) When an LEPC member representative has missed three regularly scheduled meetings or three scheduled committee meetings, a traceable letter will be sent to the

most senior officer at the member facility. The letter will contain absentee information and the rule for disqualification.

- C) Probation - When an LEPC member representative has missed four regularly scheduled meetings or four scheduled committee meetings, a traceable letter will be sent to the most senior officer at the member facility, as well as the County Judge. The member organization will be placed on probationary status (loss of voting privileges). During the probation period, the member may not miss another meeting.
- D) If absenteeism continues to a total of 5 during the current calendar year, a letter requesting disqualification will be sent to the County Judge. Upon receiving approval from the County Judge the member will be dropped from the LEPC.

ARTICLE III

OFFICERS

Section 1: Enumeration of Officers. The Officers of the LEPC shall be a Chairperson and a Vice-Chairperson who shall be elected by the LEPC in a manner herein provided. The LEPC shall also function with a Secretary/Treasurer, and this shall be a compensated position hired by the Executive Committee. Officers shall be voting members of the LEPC.

Section 2: Nomination and Election of Officers. Prior to the expiration of the officer's term of service, nominations and election of officers shall occur. Nominations will be accepted from the floor from the list of voting member representatives for the positions of Chairperson and Vice-Chairperson.

- A) The Chairperson will appoint an ad hoc nominating committee to solicit nominees for the aforementioned offices. The majority of voting members of the LEPC who are present shall select these officers. The election shall be by ballot. Exception: when there is only one nomination for any Officer.
- B) Selection of Officers shall be by a simple majority of the quorum of Voting Members of the LEPC present at the Meeting.
- C) Members may call for a special election of one or more new Officers where at least 50% of the Voting Members submit a written request to the Executive Committee. The Executive Committee shall place the request for a special election on the agenda of the next General Meeting. Members at that General Meeting shall determine if a special election is required, and the location and timing of that election.
- D) In the absence of nominees for an Officer position, the Chairman will have the authority to bypass the nomination process noted above and appoint any Member (who receives their management's/supervisor approval) to fill the term.

Section 3: Term of Office. The term of the officers shall be for a period of two years, expiring on December 31 of odd number years for the Chairperson, and on December 31 of even number years for the Vice-Chairperson. The Secretary/Treasurer is a compensated position hired by the Executive Committee and therefore not subject to a term of office.

- A) Members may be selected to succeed themselves or to move to other positions on the LEPC.

- B) A member may be elected to serve for no more than two (2) consecutive terms for each of the positions of Chairperson or Vice-Chairperson. A Vice-Chairperson that assumes the Chairperson role due to death/absence will not have the remaining portion of the term count towards the two (2)-term limit.
- C) Following a two (2) year absence, a member is permitted to run for up to two (2)-more consecutive terms in the Officer position previously held.

Section 4: Chairperson. The Chairperson shall preside at all meetings of the LEPC; shall serve as ex officio member of all committees; and shall perform such duties and acts as necessary to accomplish the goals of the LEPC. The Chairperson shall be empowered to create such other ad hoc committees as necessary to accomplish the goals of the LEPC.

Section 5: Vice-Chairperson. Upon resignation or death or in the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson. The Vice-Chairperson shall perform other duties as may be assigned by the Chairperson.

Section 6: Secretary/Treasurer. The Secretary/Treasurer, in cooperation with the Information Coordinator, shall have charge of the records and correspondence of the La Porte LEPC under the direction of the Chairperson, and shall be the custodian of all books, papers, documents, and other property of the LEPC. The Secretary/Treasurer, in cooperation with the Information Coordinator, shall be the custodian of all financial records of the LEPC. The Secretary/Treasurer will utilize the La Porte LEPC Accounting Protocols SOG, which describes daily, weekly, monthly and annual accounting practices.

- A) The Secretary/Treasurer (or designee) shall give notice of and attend all meetings of the members.
- B) The Secretary/Treasurer shall keep a true record of the proceedings of all meetings of the LEPC.
- C) The Secretary/Treasurer shall attend to the business needs of the LEPC and shall maintain an accurate record of all monies received and expended for the use of the LEPC. The Secretary/Treasurer shall maintain and balance the LEPC checkbook; provide for collection of working funds for the LEPC by invoicing Members when collections are authorized; ensure checks are endorsed with approved signatures of the Treasurer; and present a report of accounting at each meeting.

- D) The Secretary/Treasurer shall coordinate the biennial review and biennial formal audit of LEPC records.
- E) The Secretary/Treasurer shall coordinate filing and recording of legal transactions such as taxes or fees mandated by the government. The Treasurer will retain – as necessary – professional expertise to prepare the federal tax return, and will provide all necessary books, records and/or documentation for its' completion.
- F) The Secretary/Treasurer shall assist in the preparation of a fiscal year budget in coordination with the Chairperson/Executive Committee for approval at the meeting.
- G) The Secretary/Treasurer shall coordinate – with the appropriate Executive Committee member(s) – the application of all grants available to the LEPC.
- H) The Secretary/Treasurer shall prepare a monthly report to the Executive Committee consisting of a comparison – by Member – of the dues paid from one year to the next, with a brief explanation of the difference from one period to the next.
- I) The Secretary/Treasurer (or designee) shall discharge such other duties as shall be prescribed from time to time by the Chairperson or the members.
- J) These duties (or a portion of these duties), as well as accounting, bookkeeping and secretarial services, may be contracted externally at the LEPC's expense under the direction of the Chairperson. The Chairperson may also appoint an assistant Secretary/Treasurer to perform the duties of the Secretary/Treasurer. This position is a non-voting member of the Executive Committee where the position is filled by hire.

Section 7: Chairperson Emeritus. The immediate past Chairperson will have the opportunity to serve a two year term as Chairperson Emeritus. This position should attend all meetings of the LEPC; may serve as ex officio member of all committees; may give advice and counsel to the Executive Committee and Chairperson as necessary; and may perform such duties and acts as necessary to accomplish the goals of the LEPC. This position is a non-voting member of the Executive Committee.

- A) It shall not be a requirement that the Chairperson transition to the position of Chairperson Emeritus if that individual is not able or willing to fill the position.
- B) A Chairperson Emeritus may resign the position by notifying the current Chairperson.

- C) A Chairperson may fill the position of Chairperson Emeritus through appointment of a past LEPC Chairperson if the position is vacant.
- D) The position of Chairperson Emeritus may remain in a vacant state and the business of the LEPC shall not be affected by such a vacancy.

Section 8: Information Coordinator. The Information Coordinator shall be the Emergency Management Coordinator for the City of La Porte or their designee. The Coordinator shall process requests from the public for information under Section 324, including Tier Two information under Section 312. Additionally, the Coordinator shall assist the Secretary, and/or Treasurer in records management and financial matters. The Information Coordinator is primarily responsible for:

- A) All publicity of the LEPC.
- B) Development of information program(s) including appropriate actions to take in advance of, during, and after emergencies that is expected from the public.
- C) Establishing procedures for processing information from regulated entities.
- D) Implementing procedures to evaluate and address requests for information.

ARTICLE IV

COMMITTEES

Section 1: Executive Committee. The Executive Committee will consist of the Chairperson, Vice-Chairperson, Information Coordinator, Secretary/Treasurer, Chairperson Emeritus, designated Plant Manager Liaison, and the Chairpersons of the five Standing Committees as described below. The designated Plant Manager Liaison shall serve as a non-voting member of this committee. The duties of the Executive Committee shall be to coordinate activities of the Standing and ad hoc committees.

The Executive Committee will be responsible for: coordinating with other LEPC's and the SERC; being familiar with local, state, and federal laws which impact the hazardous materials planning process; developing long-term goals for the LEPC; attending to LEPC member needs; reviewing terms of current LEPC members and soliciting volunteers to fill vacancies; development of LEPC timetables for standing and ad hoc subcommittees; management of the LEPC budget; establishment of trade secret protection procedures; and examining sources of and recommending uses of LEPC funds.

Section 2: Standing Committees. The Executive Committee may, upon approval of the members, designate one or more Standing Committees (in addition to the Executive Committee) as are deemed necessary and which are not in conflict with other provisions of these bylaws. The duties of any such standing committees shall be prescribed by the Executive Committee upon their designation. Each such Standing Committee shall consist of three or more persons, who may, but need not be, limited to the members of the LEPC. Appointments of persons to such standing committees shall be for terms prescribed by the Executive Committee upon such persons' appointments.

The following **Standing Committees** shall be established:

- A) Emergency Communications Committee. This committee, serving in an advisory capacity, shall be responsible for the following:
1. Development, implementation, and review of a program establishing an effective public alert and notification system for the communities of La Porte, Morgan's Point and Shoreacres that would provide adequate communications during a hazardous materials emergency.
 2. The formulation of all policies and procedures concerning the public's right-to-know program.
 3. The formulation of all chemical release reporting procedures.
 4. The formulation of all record keeping and information dissemination procedures

for the LEPC.

5. Assisting with evaluating municipal resources and procedures for public notification of a hazardous materials emergency.
6. Communicating changes in regulations, policies, and procedures concerning local, county, state and/or federal regulations that impact the LEPC.
7. Developing procedures for interfacing with neighboring jurisdictions.

B) Emergency Response & Resources Committee. This Committee will work with the Hazardous Materials Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district. This committee shall be responsible for:

1. Conducting training needs assessments.
2. Requesting grant funding to provide for identified training needs.
3. Coordinating training programs.
4. Establishing an exercise/drill schedule and the planning and coordination of drills.
5. Evaluating response capabilities and resource needs.
6. Assisting with security and emergency response issues when providing information regarding the LEPC.

C) Hazardous Materials Facilities Liaison Committee. This committee, serving in an advisory capacity, shall be responsible for the following:

1. Procedures concerning the identification of and communication with fixed facilities manufacturing, transporting (including pipelines, distribution facilities, railroads, etc.), or storing hazardous materials.
2. Working with the Emergency Response & Resources Committee, Planning Committee and with affected facilities to review and help the local emergency management office(s) test a hazardous material emergency response plan for the planning district as required by law.
3. Developing procedures to identify any regulated entity required by EPCRA to submit reports and participate in the activities of the LEPC.
4. Attendance review and new growth.
5. Compiling available information on hazardous materials storage and transportation.

D) Planning Committee. This Committee will work with the Emergency Response & Resources Committee and the Hazardous Materials Facilities Liaison Committee and with existing emergency response organizations in jurisdictions within the planning district. This committee shall be responsible for:

1. Reviewing existing federal, state and local plans for the purpose of coordination

with the LEPC planning process.

2. Incorporating the National Response Plan (NRP) and National Incident Management System (NIMS) into emergency planning efforts.
3. Assisting with hazard assessments from fixed and mobile sources.
4. Assisting with reviewing Municipal and Industrial Members' Emergency Response Plans.
5. Facilitating the communication of risk related information.
6. Developing procedures for responding to release reports.

E) Public Education Committee. This committee, serving in an advisory capacity, shall be responsible for the following:

1. Promoting public awareness of EPCRA.
2. Training and outreach concerning the public alert and notification program.
3. Public relations with affected communities and public at large.

Section 3: Meetings. Meetings or communications of the Standing Committees, ad hoc committees, or subcommittees shall be as deemed necessary to accomplish the mission and goals of the LEPC.

Section 4: Chairperson of the Standing Committees. The Chairperson of the Standing Committees will be appointed from the voting members of the LEPC to serve 2-year term. The Chairperson will submit a copy of the Committees minutes and attendance record to the Chairperson of the LEPC and Secretary.

Section 5: Membership of Standing Committees. Each member must volunteer to serve on at least one Standing Committee or ad hoc committee and shall not serve on more than two Standing Committees without the approval of the LEPC Chairperson. Final membership of the Standing Committees shall be determined by the Chairperson after consultation with the Executive Committee to ensure that all Committees have sufficient personnel to carry out their assigned tasks.

Section 6: Ad Hoc Committees. The Chairperson may create ad hoc committees as necessary to perform the functions of the LEPC. The Chairperson of the LEPC shall appoint chairpersons of ad hoc committees. Ad hoc committees shall limit their activities to the accomplishment of the tasks for which it is designated and shall have no power to act except as specifically conferred by action of the Chairperson or the Chairperson of the appropriate Standing Committee. Upon completion of the task for which designated, such special committee shall stand dissolved.

Section 7: Resignations and Removals. Any member of a particular Standing Committee may resign from that committee at any time by giving notice to the Chairperson or to the chair of the Standing Committee. Unless otherwise specified in the notice, such resignation shall take effect upon receipt thereof, and the acceptance of such resignation shall not be necessary to make it effective. The member must apply for membership on another Standing Committee as required by Article II – Section 5. The members may remove at any time with or without cause any member of any committee who was originally appointed thereto by the Chairperson or by the members as provided in these bylaws.

ARTICLE V

MISCELLANEOUS PROVISIONS

Section 1: Fiscal Year. The calendar year shall be considered to run from January 1 to December 31.

Section 2: Indebtedness. All indebtedness incurred by the LEPC shall be approved by the Chairperson or Vice Chairperson before payment by the Secretary/Treasurer. The invoice will have the signature of the receiving committee chairman that is responsible for the service or material. Their signature represents receipt of material or services being billed. Then it can be submitted for final approval payment steps.

Section 3: Budgeting. Upon the recommendation of the Executive Committee, a motion may be placed before the LEPC to assess member cities and companies for contributions to a working fund. This fund shall be used to promote the working of the LEPC to meet its objectives as outlined in these Articles of Organization.

The Chairperson of each standing subcommittee shall submit a written budget to the Executive Committee by the regular June meeting for the next year's budget. These proposed budgets would be itemized so the Executive Committee will understand the expenditures. Any special items requiring one-time or ongoing fees and/or assessments will also be discussed and approved by the Executive Committee during this process. The Executive Committee will then propose a final budget, with a proposed funding method, by the regular July meeting for final approval of the membership. The final budget and funding must be approved by a majority vote of the voting membership. The request for funds will then be mailed to all member cities and facilities within the LEPC by the regular December meeting.

A) Dues/Fees/Assessments. Each LEPC member agrees to pay, as described in this section, annual membership dues, fees and/or assessments.

1. Dues. Dues are a regular payment of money made by members of the La Porte LEPC. Dues are the cost of membership; they are used to fund the various activities which the LEPC engages in. Examples of dues are the Fair Share amounts that are listed on the annual Contribution Worksheet.
 - (a) The amount of dues may be changed by a majority vote of voting members present at a regular membership meeting.
 - (b) Accepted new LEPC members will be required to pay a prorated share of their annual dues. The new member will pay 1/12 of the annual dues for each month remaining in the calendar year, beginning with the month they joined the LEPC.

Dues are in addition to any fees or assessments.

2. Fees. Fees generally will be one-time-only payments made by the members of the La Porte LEPC to cover the administration of ongoing programs or activities. Fees may, however, be ongoing, such as the company employee/nested/core contract personnel headcount fee that is listed on the Contribution Worksheet.
 - (a) Fees are considered in addition to any dues or assessments.
 - (b) Fees may only be required of certain classes of members.
 3. Assessments. Assessments are generally one-time-only payments made by La Porte LEPC members to cover a special program, capital project, or activity. These special programs (et al) may or may not be ongoing, and may or may not operate for a limited time or in a limited fashion. An example is the e-Merge annual subscription required of certain class(es) of members; an assessment is used to raise this money.
 - (a) Assessments may only be required of certain classes of members, and may be levied on any Class or Classes of La Porte LEPC members, other than those designated as Associate Members (see Article II), to cover a special program, capital project, or activity, provided such assessments are approved by a two-thirds (2/3) majority of the active voting LEPC members at a regular scheduled membership meeting, and provided that such approval is procured before such expenditures are made.
 - (b) Prior to issuing an assessment that will apply to LEPC members other than Chemical Manufacturer's, the Executive Committee will validate that the Assessment can be enforced, and that it be so for these classes of members.
 - (c) All assessments levied pursuant to this section of this Article are due and payable when levied, or as per the approved motion.
- B) Annual membership dues, fees and/or assessments, as approved for listing on the Contribution Worksheet for each class of member, shall be paid in full by the fourth (4th) regularly scheduled membership meeting. Any LEPC member not paid in full, by the fourth (4th) regularly scheduled membership meeting shall be grounds for being placed on probationary status for a maximum duration of 2 months. Any member not paid in full, by the sixth (6th) regularly scheduled membership meeting shall be automatically dropped as a member from the LEPC. Invoices for dues, fees and/or assessments will be distributed following the approval of the budget.

Section 4: Generic Boundaries.

Reference the latest version of the East Harris County Manufacturer's Association (EHCMA)

"LEPC Map" for the most current, agreed-upon boundary lines.

Limit Note: Map of boundaries may be found in Exhibits III & IV.

Section 5: City/LEPC Emergency Communication Notification

Each LEPC member (Service Business, Manufacturer of Articles, and/or Chemical Manufacturer) is required to provide rapid communication to the City/LEPC during an emergency/event (a potential to impact the community or impact to the community). Protocols have been established by the LEPC that standardize the reporting process as of Jan. 1, 2010 the E-Merge/E-Notify, and the CARE Line will be the required notification systems. The LEPC member is required to employ the E-Merge/E-Notify system that delivers relevant information to the city and LEPC as quickly and accurately as possible. In addition the member is required to use the CARE Line to deliver information directly to the public.

Notification is required to be made to the LEPC designated point of contact via the protocols established by the LEPC. The designated point of contact is responsible for relaying information to all jurisdictions within the LEPC. This does not relieve the responsibility of other reporting requirements that may apply.

Failure to comply with this section during an emergency/event subjects the member to comply with a review by an ad hoc committee assigned to ensure the robustness of the communication system for future events, and may lead to disqualification of the member.

Section 6: Remuneration Post-Emergency/Event

A LEPC member that has had an emergency/event that impacted the community is expected to reimburse the LEPC for expenses incurred. Not every event is expected to necessitate additional steps that must be taken, with many factors influencing the decision (e.g., time of day/night; size of event; impact to the community; media coverage, etc.). This reimbursement is limited to public information materials and phone notification services utilized by the LEPC as a result of the incident. This reimbursement is not to exceed \$10,000.

The Executive Committee will decide, as soon as feasibly possible post-event, the exact methods that may/will be employed to raise awareness. The LEPC member will be contacted and consulted as to these methods for their input, however the LEPC retains the right to utilize methods it believes is best for the affected community, staying within reimbursement amounts. The LEPC, through the City of La Porte and the Executive Committee, will make the necessary notification/awareness arrangements.

ARTICLE VI

AMENDMENTS

Section 1: Amendments. These bylaws may be amended by a **two-thirds** vote of the voting members present and voting at any meeting of the LEPC provided that any proposed amendments to these bylaws be submitted to the members in writing at least one week in advance of the meeting.

ARTICLE VII

RULES

EPCRA requires that the LEPC shall establish rules by which the committee shall function. Such rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response to such comments by the committee, and distribution of the emergency plan."

Section 1: Adoption of Rules; Publication of Proposals. The LEPC may, as necessary and proper, adopt rules of general application governing the execution of its responsibilities under EPCRA and related applicable regulations. Any such rules must first be published in proposed form not less than 10 days prior Adoption of Rules; Publication of Proposals (continued) to final adoption of by the LEPC. Publication shall be effective through posting of the proposed rule and a statement of basis and purpose on the Public Bulletin Board located in the lobby of the U. S. Post Office, 801 W. Fairmont Parkway, La Porte. TX. (The proposed rule together with the statement of basis and purpose and here after referred to as "notice of proposed rule-making".) Such notice of proposed rule making shall invite written public comment on any aspect of the proposed rule during the 10-day period. The LEPC Information Coordinator is encouraged, but not required, to mail notices of the proposed rulemaking to interested local government officials, industries, and citizens.

Section 2: Method of Initiating Proposed Rule-Making. Any member of the LEPC may recommend the initiation of proposed rulemaking. The Executive Committee shall initially consider any proposed rules, unless otherwise decided by the LEPC. If the Executive Committee, by majority vote approves a proposed rule it shall thereafter proceed to publication as provided in the proceeding section.

Section 3: Method of Adopting Final Rules. Following the expiration of the 10 day comment period, the Executive Committee shall review all public comments and prepare a statement which responds to comments raised and discussed the basis for any appropriate changes to the proposal. The Executive Committee shall present such statement to the LEPC. The LEPC voting members shall then vote on the adoption of the proposed rule. If the LEPC acts favorably, the rule shall take effect immediately upon the time and date the notice of adoption is first published unless the LEPC determines otherwise.

Section 4: Notice of Adoption. Upon adoption of any rule by the LEPC, the Information Coordinator also shall publish the LEPC's response to the comments received, any changes to the proposal made in the response to such comments. Publication of the final rule shall be in

the same manner as that for the proposed rule. Nothing herein shall require a specific response to each and every comment received.

Section 5: Emergency Rules. In emergency circumstances, to be determined by the Executive Committee, the LEPC may adopt rules without prior public notice and comment, provided that no such rule will remain in effect for more than 90 days.

Section 6: Public Access to Information. In accordance with Section 324 of the Act, all information obtained from an owner or operator pursuant to EPCRA and any requested Tier Two form or the Safety Data Sheet (SDS) otherwise in possession of the committee shall be made available to the person submitting the request under this section, provided upon request of the owner or operator, the Committee shall withhold from disclosure the location of any specific chemical identified in the Tier Two form.

All information requested to be photocopied by any member of the public, shall be provided at the sole expense of such persons. The cost of such photocopying shall be set from time to time by the Information Coordinator, with the approval of the Executive Committee, at a level, which will enable the LEPC to recover all reasonable expenses associated with processing the request.

Copies of the LEPC bylaws, proposed rules or rules shall be provided at no charge to the public, although the Information Coordinator is authorized to recover reasonable expenses for photocopying in the case of requests for multiple copies made by any single individual or entity.

Requests for any documentation in this Section, including any financial data, will require that the requestor fill out the official La Porte LEPC Documentation Request Form. This form is designed to ensure the LEPC receives certain standard information of the requestor to ensure the request is legitimate. The LEPC will respond to any such documentation requests within 31 calendar days from date of receipt. In cases where the requested information cannot be gathered and sent within the allotted time, the LEPC will provide the requestor the date(s) the information can be made available, but will do so within 90 days of the original request. Forms are available by contacting the Secretary of the LEPC.

Section 7: Trade Secrets. Except as provided in this section, all information submitted to the LEPC by facilities pursuant to EPCRA shall be public information. Other than a claim designated in this section, the LEPC will not honor any business confidentiality or trade secret claims. Pursuant to Section 312 and Section 214(a) of the Act, the location of specific chemicals requested to be submitted with Tier II information shall be maintained as confidential by the LEPC provided that a claim of confidentiality is submitted with the information and satisfies all requirements for

such claims under EPCRA and any regulations promulgated pursuant to the same. Such information shall be exempt from disclosure by the LEPC permanently or until such time as:

1. An authorized governmental agency, and if applicable, a court or competent jurisdiction makes a final determination following any appeals, that such information not subject to a valid claim of business confidentiality or trade secret, and
2. The LEPC receives a written notice of such determination.

ARTICLE VIII

PARLIAMENTARY AUTHORITY

Section 1: Parliamentary Authority. The La Porte LEPC adopts *Robert's Rules of Order* as the method for conducting business, and they shall be followed for all committee and/or membership meetings to which they are applicable, and in which they are not inconsistent with these bylaws.

Attachments:

Exhibit I – Fair-Share Formula

Exhibit II – LEPC Membership Application

Exhibit III – LEPC Boundaries Map (La Porte LEPC)

Exhibit IV – LEPC Boundaries Map (Harris County)

References:

Open Meetings Act – Chapter 551 of the Government Code

Region 6 Local Emergency Planning Committee (LEPC) Handbook

Exhibit I

DUES: Fair Share Formula

- A) If your facility is described as a **Service Business** then your fair share = **\$350.00**.
- B) If your facility is described as a **Manufacturer of Articles**
 - 1) And you have fewer than twenty (20) employees, then your fair share = **\$350.00**.
 - 2) And if you have over twenty (20) employees, then your fair share = **\$350.00** + a fee of **\$2.65** per employee.
- C) If your facility is described as a **Chemical Manufacturer** then your fair share = **\$3150.00** + a fee of **\$4.90** per employee.
- D) If your facility is described as **Transportation-Related** then your fair share = **\$350.00**.
- E) If your designation is as a **Responsible Agency** or **Jurisdiction** then your fair share = **\$350.00**.
- F) If your designation is as an **Associate Member - Facility** then your fair share = **\$175.00** (1/2 of the Full Member fair share).
- G) If your designation is as an **Associate Member - Non-Profit Organization** then your fair share = **\$0.00**.

Note 1: For purposes of the Dues/Fair Share calculation, the definition of an employee is company employees **plus** nested/core contract personnel.

Note 2: The Fair Share Formula (Exhibit 1) is an attachment to the Bylaws and a Bylaw revision is not required to amend the Fair Share Formula. The Fair Share Formula will be set by the Executive Committee and approved by the members of the LEPC each fiscal year.

Note 3: For purposes of the Fair Share calculation for Chemical Manufacturer's, the total includes the annual E-merge subscription assessment.

Exhibit II

Membership Application

La Porte, Morgan's Point, & Shoreacres Local Emergency Planning Committee

Application for Membership

| | |
|---|--|
| Company Name: | |
| Physical Address: | |
| Mailing Address: | |
| 24-hour Plant Phone #: | |
| Facility Manager's Name: | |
| Facility Manager's E-Mail Address: | |
| Who will represent this facility on the LEPC? | |
| Representative's Phone # | |
| FAX # | |
| Representative's E-Mail Address: | |
| Alternate Representative's Name | |
| Alternate Rep's Phone # | |
| FAX # | |
| Alternate Rep's E-Mail Address: | |
| Do you have Internet Access? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Committee of My Choice: | <input type="checkbox"/> Emergency Communications Committee <input type="checkbox"/> Emergency Response & Resources Committee <input type="checkbox"/> Hazardous Materials Facilities Liaison Committee <input type="checkbox"/> Public Education and Information Committee <input type="checkbox"/> Planning Committee <input type="checkbox"/> Other (Includes Safety Fair, ad hoc, etc. – Chairperson <u>must</u> approve) |

Is your facility described as (see Article II for descriptions): (check **one**)

- | | |
|--|--|
| <input type="checkbox"/> Full Member - Service Business | <input type="checkbox"/> Associate Member -- Facility |
| <input type="checkbox"/> Full Member - Manufacturer of Articles | <input type="checkbox"/> Associate Member -- Non-Profit Organization |
| <input type="checkbox"/> Full Member - Chemical Manufacturer | |
| <input type="checkbox"/> Full Member - Transportation | |
| <input type="checkbox"/> Full Member - Responsible Agency / Jurisdiction | |

PLEASE NOTE: While any manufacturer or other interested organization may apply for and be granted membership to the La Porte Local Emergency Planning Committee, only those members who have paid their "Fair Share" contribution each year shall have voting privileges

(Signature) _____

(Date) _____

Please return to:

Secretary/Treasurer to the La Porte, Morgan's Point, Shoreacres LEPC

Exhibit III

LEPC Boundaries Map – La Porte

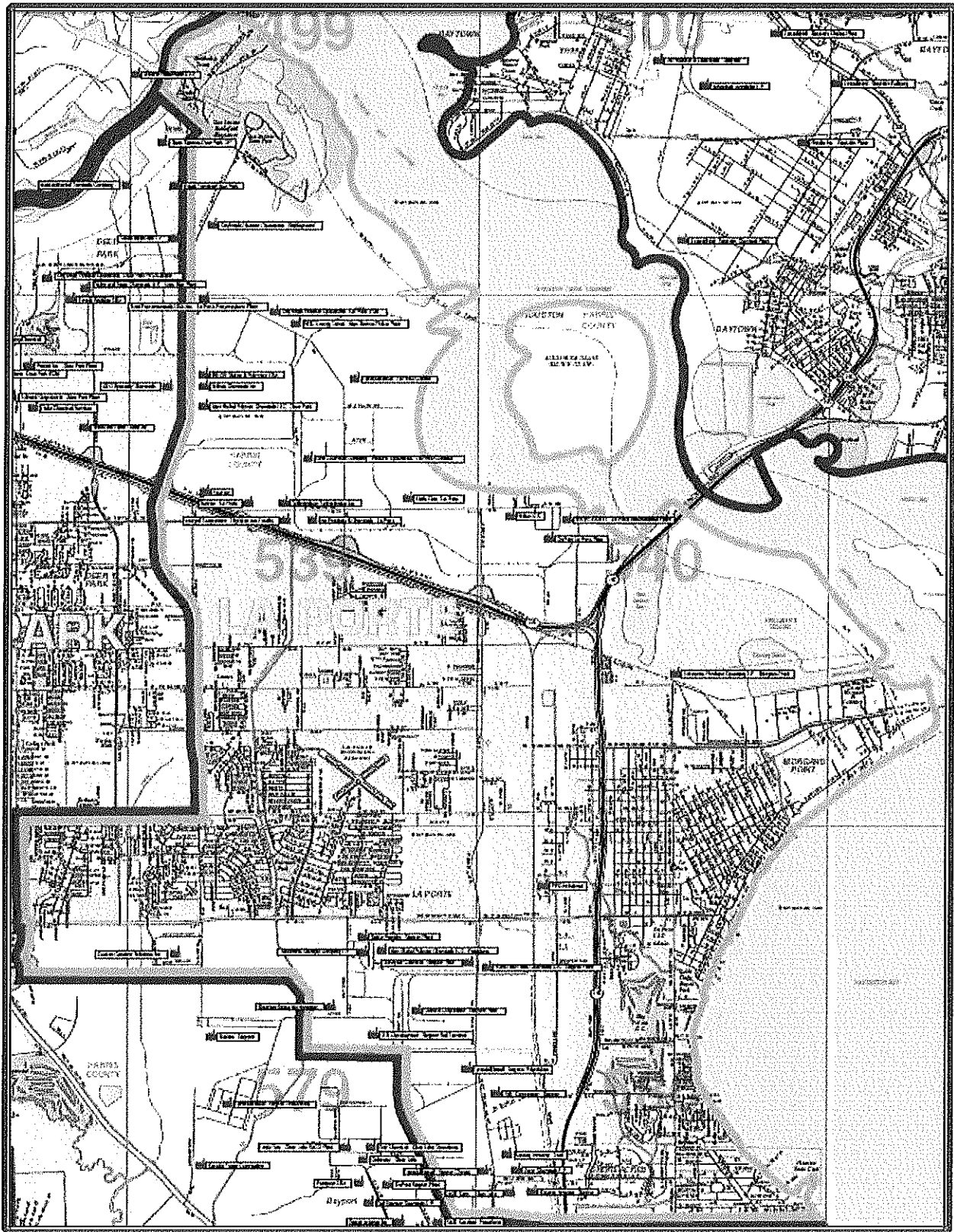
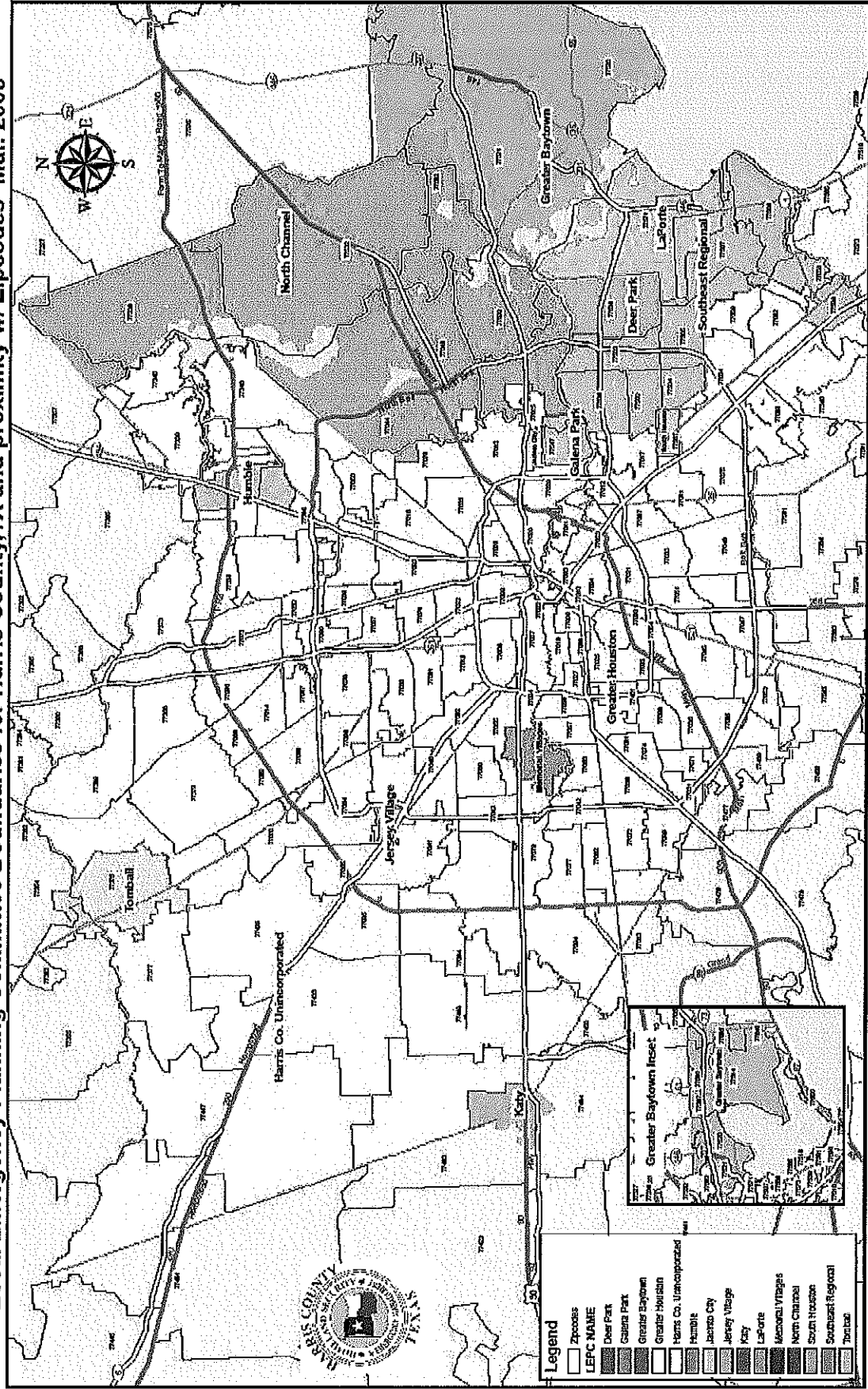


Exhibit IV LEPC Boundaries Map

Local Emergency Planning Committee Boundaries for Harris County, TX and proximity w/ Zipcodes- Mar. 2008



NOTE: Map is for general reference purposes only. For further information contact: James Givens at HCC/EM 713.881.1312.

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